

from Howard (Mr. Sands) to open the debate upon his amendment.

Mr. SANDS. The proposition contained in my amendment is so plain that I have no desire to argue it, at least until I have heard something said in opposition to it.

Mr. CLARKE. I take the floor with great diffidence and reluctance this morning, as I had no idea this question would be sprung so suddenly upon us. And even now, with the expectation that we shall not be brought to a vote upon it to-day, I will yield to the chairman of the committee (Mr. Stirling) if he desires to open the debate.

Mr. STIRLING. The gentleman is very kind, but I have no disposition to take the floor at this time.

The PRESIDENT. The gentleman from Prince George's (Mr. Clarke) will proceed.

Mr. CLARKE. Mr. President: When I first listened to the reading of the 4th article reported by the majority of the Committee on the Declaration of Rights, to be embodied in the bill of rights, as declaratory of the prerogatives of the people of this State, I designed to say nothing on the momentous questions involved, because from the circumstances attending its incorporation into that report.\* I did not believe that any good result would be accomplished by my participating in this debate. If the manner of its incorporation into the report be any indication of the deep and permanent character of the disease, of which the principles contained in this article are the result; or if what emanates from the majority of this committee can be considered the reflection of the judgment of this Convention, then this body is in no condition to listen to discussion, or receive and weigh carefully any suggestion or proposition which does not accord with the principles announced in the doctrine: "That the Constitution of the United States and the laws made in pursuance thereof being the supreme law of the land, every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and is not bound by any law or ordinance of this State in contravention or subversion thereof."

But, sir, I cannot believe, that even in the midst of the revolution going on around us, in the midst of the passions and excitement of the times, a body of men representing the people of the State in their sovereignty, and called on to remodel their organic law, can decline patiently to listen to a discussion and application of principles settled and maintained by the fathers of the republic. In fact, subsequent thought has led me to review my original design, independent of any

consideration of what effect discussion may have upon the action of this Convention.

The bonds which, through affection and interest, united the States composing the Union, have been parted asunder as the storm rudely snaps the rigging of the mast. Our political fabric is reeling and surging before the storm of war, and amid the fierce conflicts of battle, and unless the principles which were designed to form the basis of the political fabric of our government are manfully maintained here and everywhere else, we have every reason to fear the destruction of our civil freedom and independence, and the establishment upon their ruins of a vast military despotism, wielded by the hand of some bold dictator. I know not who he may be, nor do I undertake to make a prophecy or prediction. Every man, therefore, in public station owes a duty to the preservation of the cause of constitutional freedom, and in behalf of the maintenance of the true structure of our form of government, as established by the Constitution. I ask a respectful hearing. In its behalf alone do I plead.

Ever since the great victory achieved by "Republicanism," under the leadership of Jefferson, Madison, Clay, and others, over "blue-light Federalism," I had supposed that certain principles had become settled as axiomatic, in regard to the structure of our government. Among them that no one would contend that the Constitution of the United States organized a national, consolidated government; but that, on the contrary, it was universally conceded that the form of government thereby created was, to a certain extent, federal, and to a certain extent national; federal in its formation, national in the powers conferred upon it, and the mode in which those powers were to be exercised. That certain powers were delegated to the United States by the Constitution; and that the powers not so delegated, and not prohibited by it to the States, were reserved to the States respectively, or to the people. And that the language of the Constitution—"that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others entertained by the people;" "that the Constitution and laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding"—declared plainly the principle of the supremacy of the Constitution and Government of the United States in the exercise of the powers conferred upon the government by the Constitution, within the limits fixed by that Constitution. That the clause requiring that Senators and Representatives in Congress, and the

\*NOTE.—I allude to the fact that the report was drawn up and prepared to be submitted to the Convention, without the minority of the committee having had an opportunity to take part in the discussion or formation of it.